



Attorney's Docket No. 07505.100

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In re: Alla SHAPIRO

Appl. No.: 09/916,257

Group Art Unit: 1619

Filed: July 27, 2001

Examiner: Shahnam Sharareh

For: RADIOPROTECTIVE AGENTS

Beit
10-31-02

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is filed in response to the Restriction Requirement dated September 24, 2002.

In the Restriction Requirement, Examiner has required restriction between Group I, namely Claims 1-9, 17-25 drawn to methods of treating or preventing radiation related side effects; Group II, namely Claims 10-16, drawn to methods of treating or protecting damage to living cells; and Group III, namely Claims 26-28, drawn to methods of increasing the survivability of a mammal.

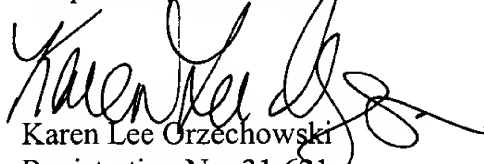
Applicant respectfully requests reconsideration and withdrawal of this requirement for restriction, either now and/or when the elected claims are allowed. Applicant submits that the field of search is overlapping, if not co-extensive, and thus there would be no additional burden on the Examiner to search all of the pending claims at this time. However, in accordance with the requirements of 37 C.F.R. 1.143, Applicant hereby provisionally elects to prosecute the claims of Group I, namely Claims 1-9, 17-25 drawn to methods of treating or preventing radiation related side effects. Should the restriction requirement not be withdrawn, Applicant expressly reserves the right to file divisional applications in due course directed to the subject matter of the remaining claims.

The Examiner has also asserted that Claims 1-28 are generic to a plurality of disclosed patentably distinct species comprising various groups of isoflavones and required election of one species for prosecution in accordance with the provisions of 35 USC 121. Again, Applicant submits that the field of search would at least encompass isoflavones generally, and the specific elected species of isoflavone. Thus, the field of search is overlapping, if not co-extensive, and thus there would be no additional burden on the Examiner to search all of the pending claims at this time. However, in accordance with the provisions of 37 C.F.R. 1.143, Applicant hereby provisionally elects to prosecute the isoflavone species of genistein.

Should the Examiner have any questions, the Examiner is requested to contact the undersigned.

It is not believed that extensions of time or fees are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned, and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 50-0548 and it is requested that the undersigned be notified in the event of such a charge to the Deposit Account.

Respectfully submitted,


Karen Lee Orzechowski
Registration No. 31,621

Date: October 24, 2002

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